IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6054 OF 2004

The Icchapurti Co-operative Housing
Society Ltd. through its Chairman .. Petitioner
V/s.
The State of Maharashtra and Anr. .. Respondents

Mr. R.S. Deshpande for the Petitioner
Mr. A.P. Vanarshe, AGP. for the Respondent Nos. 1 and 2
Mr. P.S. Dani, for the Respondent No. 3.

CORAM : F.I. REBELLO &
S.P. KUKDAY, JJ.
DATED : 17.03.2005.

P.C.:-

1. Rule. Heard forthwith. Petitioners applied for land which was declared surplus under Urban Land Ceiling Act and allotment was made in their favour. They paid the money, however the possession was not given to them.

2. In the meantime, the owner of the land applied for recall of order, declaring the land surplus. Considering the GRs issued by the Central Government and State Government, the land allotted to the Petitioner was declared not to be surplus and directed to be returned to the owner. In these circumstances, it will not be possible to grant relief as prayed for by the Petitioner. The owner is also not a party to the present proceedings.

3. However, if the Petitioners have applied to the competent authority for allotment of alternative land, that applications be considered according to law and disposed of preferably within a period of six months

from today. With the above, Petition stands disposed of. No order as to costs.

(F.I. REBELLO, J.)

(S.P. KUKDAY, J.)